

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|------------------------------|---|------------------------------------|
| KENNETH WILSON, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Civil Action No. 22-219 |
| |) | Judge Nora Barry Fischer |
| |) | Magistrate Judge Patricia L. Dodge |
| DISTRICT ATTORNEY OF |) | |
| WESTMORELAND COUNTY, et al., |) | |
| |) | |
| Respondents. |) | |

ORDER OF COURT

AND NOW, this 22nd day of December, upon consideration of Petitioner Kenneth Wilson’s Petition for Writ of Habeas Corpus, (Docket No. [3]), and “Motion for Habeas Corpus,” (Docket No. [24]), the Report and Recommendation filed by United States Magistrate Judge Patricia L. Dodge on December 2, 2022, (Docket No. [27]), recommending that such Petition and Motion be dismissed, without prejudice, and that a certificate of appealability be denied because Petitioner failed to exhaust administrative remedies as his underlying state conviction remains on appeal before the Pennsylvania Supreme Court at Docket Number 239 WAL 2022, and directing Petitioner to submit any objections within 14 days, and no objections having been filed as of the date of this Order, and upon independent review of the record and consideration of the Magistrate Judge’s Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that the Petition [3] and Motion [24] are DISMISSED, without prejudice;

IT IS FURTHER ORDERED that a certificate of appealability is DENIED;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this CASE CLOSED;
and,

FINALLY, IT IS ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

s/ Nora Barry Fischer

Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: United States Magistrate Judge Patricia L. Dodge

All counsel of record.

cc: KENNETH WILSON
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